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4 JAMES DARREN CRAWFORD,
5 Plaintiff,
6 v.
7 JEFFREY BEARD, et al.,
8 Defendants.

9 Case No. [14-cv-05578-JD](#)
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13 **ORDER REOPENING CASE**
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15 On December 22, 2014, plaintiff, a state prisoner, filed a pro se civil rights complaint
16 under 42 U.S.C. § 1983, and consented to the jurisdiction of a magistrate judge. Docket No. 1.
17 The case was assigned to a magistrate judge who on May 17, 2016, ordered service on several
18 defendants but also dismissed several defendants who had not yet appeared in the case and
19 consented to a magistrate judge. Docket No. 15. The served defendants consented to a magistrate
judge (Docket No. 28) and the case was closed when defendants' motion to dismiss and motion
for summary judgment was granted on September 29, 2017 (Docket No. 69).

20 On November 9, 2017, the Ninth Circuit held in *Williams v. King*, 875 F.3d 500, 503-04
21 (9th Cir. 2017) that all parties including unserved defendants must consent to proceed before a
22 magistrate judge for jurisdiction to vest. *Id.* Plaintiff later appealed the dismissal and closing of
23 his case. The Ninth Circuit vacated and remanded the case, finding that the magistrate judge
24 dismissed claims against defendants Bell, Gongora, Hall, Love and Williams before those
25 defendants had been served. Docket No. 94. The Ninth Circuit vacated only the magistrate
26 judge's May 17, 2016, order of service that dismissed the defendants who had not consented.
27 Docket No. 94 at 2. The Ninth Circuit did not disturb the rulings on the motion to dismiss or
28 motion for summary judgment. *Id.* The case was then reassigned to the undersigned.

1 This case is **REOPENED**. The Court will treat the magistrate judge's May 17, 2016,
2 order dismissing defendants Bell, Gongora, Hall, Love and Williams as a Report and
3 Recommendation. Plaintiff or any party may serve and file specific written objections to the
4 Report and Recommendation within **fourteen (14) days** after being served with a copy of this
5 Order. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); Civil Local Rule 72. Failure to file
6 objections within the specified time may waive the right to review the issue. The objections
7 should only address the dismissal of defendants Bell, Gongora, Hall, Love and Williams as noted
8 by the Ninth Circuit. The Clerk shall **SEND** plaintiff a copy of the May 17, 2016, Order (Docket
9 No. 36).

IT IS SO ORDERED.

11 | Dated: September 15, 2020

JAMES DONATO
United States District Judge